#### FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

## RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

PM & S FORM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if pulral anames are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED Use of Chimeric Mutational Vectors.

			s in Solid Tissues th ( <u>CHECK</u> applicable	BOX(ES))					
X	A. is atta	ched hereto	May 20, 2000		as U.S. Application No.	09/576,081			
BOX(ES)	→ B. 🖾 v → C. 🗆 v	vas filed on	PCT International			09/3/6,00			
<b>→</b>					NO. PC17				
and (II app	to that I have re-	iewed and un	lication) was amende	the above identific	ed specification, including th	e claims, as an	ended by any	amendment rei	ferred to
above. I aci foreign priori Application v certificate. o	knowledge the di ity benefits unde which designated or PCT internation	uty to disclose r 35 U.S.C. 1 d at least one nal Application	e all information known to 19(a)-(d) or 365(b) of an other country than the U n. filed by me or my assi	o me to be material y foreign application inited States, listed gnee disclosing the	I to patentability as defined in (s) for patent or inventor's I below and have also identic a subject matter claimed in the date of this application:	n 37 C.F.R. 1.5 certificate, or 3 fied below any	6. Except as 35(a) of any P foreign applica	noted below, I n CT International ation for patent of	ereby claim or inventor's
	REIGN APPL		1		Date first Laid-		atented		
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Kevin E. J		20508	G. Paul Edgell	24238	Roger R. Wise	31204			
George M		18221	Lynn E. Eccleston	35861	Jay M. Finkelstein	21082 36787			
Donald J. Peter W. (		25323 25872	Timothy J. Klima David A. Jakopin	34852 32995	Michael R. Dzwonczyk W. Patrick Bengtsson	32456			
Dale S. La		28872	Mark Q:\Paulson	Y . 30793	Jack S. Barufka	37087			
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### FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

### RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PM & S

FORM

Paul K. Kokulis   16773   Raymond F. Lippit   17598   Reynew F. Lippit	believe I an	n the original, t	first and sole ter which is o	inventor (if only one nan		address and citizenship ar low) or an original, first an nt on the <u>INVENTION EN</u>				
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Iheraby decises that all statements made herain of my own knowledge are true and that all statements made on information and belief are believed to be true; and the statements were made with the knowledge that willind false statements and the like so made are punishable by fine or imprisonment, or both, under season 1001 of Title 18 of the United States Code and that such willful false statements may isopardize the validity of the application or any patent issued thereon.  And Interely appoint Pillabury Madison of Source LIP Interesting Property for Annual N. W. Minn Floor, East Town, Washington, D. C. 20005-3 and the statements may isopardize the validity of the application or any patent issued thereon.  And Interely appoint Pillabury Madison of Source LIP Interel Source (Town, 100 New York, Annual, N. W.), Minn Floor, East Town, Washington, D. C. 20005-3 and the believe of the property of the state			Code/serial	21/MA	Y/1999	-	pending			
Inhereby declare that all statements made termin of my own knowledge have thing and further that these statements were made with the knowledge that willful take statements and the like so made are punishable by fine or imprisonment, or both, under that these statements were made with the knowledge that willful take statements and the like so made are punishable by fine or imprisonment, or both, under statements were made with the knowledge that willful take statements and the like so made are punishable by fine or imprisonment, or both, under statements and the like so made are punishable by fine or imprisonment, or both, under the seal statements and property group, 1100 New York Avenue, N.W., Nithin Floor, East Tower, Weshington, D.C. 2005-5.  And I harely appoint Pillibury Madison & Suro LLP, Intelectual Property Group, 1100 New York Avenue, N.W., Nithin Floor, East Tower, Weshington, D.C. 2005-5.  And I harely appoint Pillibury Madison & Suro LLP, Intelectual Property Group, 1100 New York Avenue, N.W., Nithin Floor, East Tower, Weshington, D.C. 2005-5.  And I have a possible of the search and control of the same additions for the same additions for an additional and with the resulting patient, and I hereby subcased the subcased and the subc				/AL\E0	/2000		pending			
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Residence Weston Florida United States of America  City State Florida County of Cazonchib  Post Office Address 16930 Waters Edge Drive, Weston, Florida  (Include Zip Code) 33326  (Include Zip Code) 33326  (Include Zip Code) Address Name Name Name Name Name Name Name Name	firezure speaks	Rici	T 1004 WHILE THE 12 CHIEFE	A TRANSPORT OF THE ADMINISTRA		Committee of the Cartie State Committee Co.	Militarillo fo	mily Name!	MARKET TO A	
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Post Office Address 300 Pasteur Drive AR-343, Stanford, California (include Zip Code) 49405-5235  FOR ADDITIONAL INVENTORS, "X" box  and proceed on the attached page to list each additional inventor.  See additional foreign priorities on attached page (incorporated herein by reference).  Atty, Dkt. No. PMS 263768	些的理想	an laitheasan	能性機能與	First			HER CERES	amily Name	partigues parties	rion
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# Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which Includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facic case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (1) Opposing an argument of unpatentability relief on by the Office, or (ii) Asserting an argument of patentability.

### PATENT LAWS 35 U.S.C.

### \$102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless-

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
  - he has abandoned the invention, or
  - i) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
  - the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
  - a) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

## §103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

<sup>\*</sup> Six months for Design Applications (35 U.S.C. 172).